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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARISTEO RIOS,

Plaintiff,

vs.

J.R. WEST, INC. dba JOHNNY ROCKETS,  
 DOES 1-10

Defendant

Case No.: C09-5499 RS

STIPULATION TO CONTINUE THE  
 DEADLINE TO FILE RENEWED MOTION  
 FOR DEFAULT JUDGMENT

Parties through their respective counsel, stipulate as follows :

1. On May 12, 2011, a default was entered against Defendant. Docket No. 26.
2. On July 27, 2011, Plaintiff filed his Motion for Default Judgment. Docket No. 29.

On September 9, 2011, this Court denied Plaintiff's Motion for Default Judgment without prejudice, setting October 24, 2011 as the deadline for Plaintiff to file a renewed motion for default judgment.

3. Recently, Defendant through its counsel, contacted Plaintiff's counsel, seeking to set aside the default entered in this case. While Plaintiff did not agree to set aside the default,

**STIPULATION TO CONTINUE DEADLINE TO FILE RENEWED MOTION FOR  
 DEFAULT JUDGMENT**

Plaintiff is willing to negotiate a settlement before moving to obtain a judgment. Defendant agrees to engage in settlement negotiations with Plaintiff at this stage.

4. As such, parties, through their respective counsel, hereby stipulate that the deadline set by the Court for Plaintiff to file his motion for default judgment be continued.

Dated: October 24, 2011

By: /s/ Adam Wang  
Adam Wang  
Attorney for Plaintiff

DILLINGHAM & MURPHY, LLP

Dated: October 24, 2011

By: /s/ Theresa M. Toro  
Theresa M. Toro  
Attorney for Defendant

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**[PROPOSED] ORDER**

Pursuant to parties' stipulation, IT IS HEREBY ORDERED that the deadline for Plaintiff to file a renewed motion for default judgment is hereby continued. The Case Management Conference currently set for December 1, 2011 remains on calendar. Parties should file their joint case management statement 7 days prior to the scheduled case management conference.

IT IS SO ORDERED.

Dated: October 25, 2011

By:   
RICHARD SEEBORG  
United States District Court Judge